

AUGUSTINE LEE AND FRANK LEE
Complainants,

vs.

THE PEOPLES GAS LIGHT AND
COKE COMPANY
Respondent.

No. 01-0361

**APPLICATION FOR THE ISSUANCE OF A
SUBPOENA DUCES TECUM**

NOW COMES the Respondent, THE PEOPLES GAS LIGHT AND COKE COMPANY ("Peoples Gas") by and through one of its attorneys, Peter Brigida, and pursuant to 220 ILCS 5/10-101 and 83 Ill. Admin. Code § 200.380, moves this Honorable Commission for the issuance of a subpoena duces tecum directing the keeper of the business records of Illinois Bell Telephone Company to produce the following at the offices of The Peoples Gas Light and Coke Company, 130 E. Randolph, 23rd floor, Chicago, Illinois, before noon on November 5, 2001:

Records for all accounts at 3500 West Adams, Chicago, for the period of time from August 1988 through the present. In particular, any records showing customer names, dates of turn on and turn-off, any periods of inactivity, and telephone usage for the above address.

In support of the Application for the Issuance of a Subpoena Duces Tecum, Respondent states as follows:

1. Augustine Lee and Frank Lee ("Complainants") have filed a formal complaint alleging that Peoples Gas has improperly charged \$17,992.03 (the "Charge")


to their account at 3500 West Adams for unmetered gas usage at that address for the period from August 1988 through September 2000.

2. Peoples Gas believes that the subpoena for which it is applying will produce information which may establish that: (1) Complainants are responsible for the Charge; and (2) the Charge was properly billed to their account at 3500 West Adams

3. The issuance of a subpoena is reasonably required to obtain the information sought because the keeper of the records for Illinois Bell Telephone Company will not produce its business records without being served with a subpoena.

WHEREFORE, the Respondent requests that a subpoena in the form attached hereto be duly issued upon the Illinois Bell Telephone Company.

Respectfully submitted,

By: 
Peter Brigida
An Attorney for The Peoples
Gas Light and Coke Company

Peter Brigida
The Peoples Gas Light and Coke Company
130 East Randolph Drive, 23rd Floor
Chicago, Illinois 60601

Dated this 4th day
of October, 2001.

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

AUGUSTINE LEE AND FRANK LEE)	
Complainants,)	
)	
vs.)	No. 01-0361
)	
THE PEOPLES GAS LIGHT AND)	
COKE COMPANY)	
Respondent.)	

SUBPOENA DUCES TECUM

To: Keeper of the Records
Illinois Bell Telephone Company
Legal Department
c/o Mark Kerber
225 West Randolph Street, Suite 27-C
Chicago, Illinois 60606

You are hereby notified and commanded to produce at the offices of The Peoples Gas Light and Coke Company, 130 E. Randolph, 23rd floor, Chicago, Illinois, before noon on November 5, 2001, the following:

Records for all accounts at 3500 West Adams, Chicago, for the period of time from August 1988 through the present. In particular, any records showing customer names, dates of turn on and turn-off, any periods of inactivity, and telephone usage for the above address.

By authority of the Illinois Commerce Commission this _____ day of _____, 2001.

ILLINOIS COMMERCE COMMISSION

By: _____
Chief Clerk

An Attorney for The Peoples
Gas Light and Coke Company


STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

VERIFICATION

I, Peter Brigida, being first duly sworn upon oath, depose and say that I have read the above and foregoing Application for the Issuance of a Subpoena Duces Tecum by me subscribed and know the contents thereof; and that said contents are true in substance and in fact.


Peter Brigida

SUBSCRIBED AND SWORN
before me this 4TH day
of OCTOBER, 2001.


Notary Public in and for
the County of Cook,
Illinois



My Commission Expires: 2/29/2004

CERTIFICATE OF SERVICE

I hereby certify that I have this day served this Application for the Issuance of a Subpoena Duces Tecum by personal delivery or by placing a copy thereof in the United States mail with first class postage affixed, addressed to the attorney for the Complainants and the Administrative Law Judge in Docket No. 01-0361 and to:

Keeper of the Records
Illinois Bell Telephone Company
Legal Department
c/o Mark Kerber
225 West Randolph Street, Suite 27-C
Chicago, Illinois 60606

Dated at Chicago, Illinois this 4th day of October,

2001.


Peter Brigida